



Paper No. 15

G. E. EHRLICH (1995) LTD.
c/o ANTHONY CASTORINA
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ARLINGTON VA 22202

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NOV 12 2002

OFFICE OF PETITIONS

In re Application of :
Amit and Thomson :
Application No. 09/975,011 : **ON PETITION**
Filed: 12 October, 2001 :
Attorney Docket No. 01/22631 :

This is in response to the request for reconsideration under 37 CFR 1.47(a) and 1.48(a), filed on 30 October, 2002, which is being treated as (1) a petition under 37 CFR 1.48(a) to amend the inventive entity by the deletion of Joseph Itskovitz-Eldor, and (2) a petition under 37 CFR 1.47(a) to accept the declaration filed on 14 May, 2002, which lacks the signature of joint inventor James A. Thomson.

The petition is **GRANTED**.

Petition Under 37 CFR 1.48(a)

A grantable petition under 37 CFR 1.48(a) requires:

- (1) a petition including a statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventor ship occurred without deceptive intention on his or her part;
- (2) an oath or declaration by the actual inventor or inventors as required by 37 CFR 1.63 or as permitted by 37 CFR 1.42, 1.43, or 1.47;
- (3) the fee set forth in 37 CFR 1.17(i); and
- (4) if an assignment has been executed by any of the

original named inventors, the written consent of the assignee (see 37 CFR 3.73(b)).

Petitioners have now presented a statement by Joseph Itskovitz-Eldor stating that the error in inventorship occurred without deceptive intention on his part, a declaration by the actual inventors, as well the written consent of the assignee.

Petition Under 37 CFR 1.47(a)

A grantable petition under 37 CFR 1.47(a) requires:

- (1) proof that the non-signing inventor cannot be reached or located, notwithstanding diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
- (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
- (3) the petition fee;
- (4) a surcharge of \$130 or \$65 (small entity) if the petition and/or declaration is not filed at the time of filing the application, and
- (5) a statement of the last known address of the non-signing inventor.

Petitioners' registered patent attorney, Sol Sheinbein, has stated that he personally had a copy of the application papers sent to non-signing joint inventor. Additionally, counsel attempted to contact the non-signing inventor by telephone, but was unsuccessful. The non-signing inventor has failed to sign and return the declaration naming him as a joint inventor along with Michal Amit.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the declaration. Notice of the filing of this application will also be published in the Official Gazette.

Additionally, as a result of papers filed on 14 May and 30 October, 2002, it has been found that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and, accordingly, this application has been corrected in compliance with 37 CFR

1.48(a)(2). The inventorship of this application has been changed by the deletion of Joseph Itskovitz-Eldor, Haifa, Israel.

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of the file jacket and PTO PALM data to reflect the inventorship as corrected. Thereafter, the application will be forwarded to Technology Center 1600 for examination in due course.

Telephone inquiries concerning this matter may be directed to the undersigned at (703)308-6918.



Douglas I. Wood
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Office of the Deputy Commissioner
for Patent Examination Policy



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OFFICE OF PETITIONS

In re Application of
Amit et al.

Application No. 09/975,011

Filed: 12 October, 2001

For: CLONAL HUMAN EMBRYONIC STEM CELL LINES AND METHODS OF GENERATING SAME

Dear Mr. Thomson:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at 703/308-6918. Requests for information regarding your application should be directed to the File Information Unit at 703/308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 703/308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

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